

## **REMARKS**

Claims 1, 2, 14 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Harbers in view of Bowman et al. Applicants have incorporated the subject matter of claims 4 and 10 into claim 1. The Examiner has rejected claims 4 and 10 under 35 U.S.C. §103 as being unpatentable over Harbers and Bowman and further in view of Guy. The International filing date of the subject application is May 5, 2004. Applicants note that the Guy reference qualifies as prior art only under 35 U.S.C. §102(e) because its publication date is September 22, 2005.

The present application is a national stage filing of an international application with a priority claim to U.S. Provisional 60/467,925, filed May 5, 2003 (i.e., before the filing date of Guy). The subject matter of claims 4 and 10, which is now incorporated into claim 1, is fully supported by the provisional application (see provisional application claim 3 and page 4, lines 30-31). Accordingly, Guy is not a suitable reference with respect to these claims. Without the Guy reference, the Examiner's rejection fails with respect to claim 1 and dependent claims 2-3, 5-9 and 11-22. Accordingly, Applicants respectfully request withdrawal of the rejection.

In addition, the Examiner has relied upon Teixeira, having an effective prior art date of December 19, 2003, Farmer et al., having an effective prior art date of January 12, 2004, and Martin et al., having an effective prior art date of November 26, 2003. Each of these references has an effective prior art date subsequent to Applicants' provisional application filing date. Each of pending claims 3 (provisional claim 4); 5 (provisional claim 1); 7 (page 4, line 22); 8 (page 4, line 24); and, 9 (page 4, line 5), is fully supported by the provisional application as noted parenthetically. Accordingly, Applicants respectfully request withdrawal of the rejections involving these claims.

With respect to the rejection of claim 23, the Examiner states that the recitation "A modular adaptable LED lighting system (10)" has not been given patentable weight because the recitation occurs in the preamble. Applicants respectfully traverse.

First, Applicants note that when the preamble of the claim provides limitations that give meaning to a limitation in the main body, then the preamble limitation carries patentable weight. In this regard, the main body of claim 23 requires at least two light modules having different light emission characteristics. These substitutable light

modules provide the modular adaptability set forth in the claimed preamble. Accordingly, the preamble distinguishes the claim from the prior art. In making that comparison, Applicants note that the Examiner references the LED units (2) and the filament/phosphor component (1, 3) in Harbers as teaching at least two light modules having different light emission characteristics. The present specification and Figure 2 demonstrate that the claimed "light module" includes the platform (14) and the LEDS (12) as identified by numeral (16). Accordingly, Applicants claim is directed to an LED lighting system having two interchangeable light modules (light engines) of different light characteristics. In contrast, Harbers teaches a single light module including LEDS 2 and 2' mounted on an unnumbered surface and a filament/phosphor structure (1, 3). This is distinguishable from a lamp in which the LED/platform forming the light engine/light module is a substitutable component. In view of the above, Applicants respectfully request withdrawal of the rejection.

### **CONCLUSION**

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-3, 5-9, and 11-23) are in condition for allowance.

Respectfully submitted,

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Date



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